

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION**

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|---------------------------------|---|-------------------------------------|
| Christopher Clevon Feaster, |) | |
| |) | |
| Plaintiff, |) | Civil Action No.: 0:18-cv-02677-JMC |
| |) | |
| v. |) | |
| |) | |
| Pete Branham, #615, York County |) | ORDER |
| Sheriff's Deputy, |) | |
| |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

This matter is before the court for review of the Magistrate Judge's Report and Recommendation ("Report") filed on October 30, 2018 (ECF No. 13). The court **ACCEPTS** the Magistrate Judge's Report and incorporates it herein by reference. For the reasons set out in the Report, the court **DISMISSES** Plaintiff Christopher Clevon Feaster's ("Plaintiff") Complaint (ECF No. 1) with prejudice.

I. FACTUAL AND PROCEDURAL BACKGROUND

The Report sets forth the relevant facts and legal standards, which this court incorporates herein without a full recitation. (ECF No. 13 at 1–3.) As brief background, on October 1, 2018, Plaintiff, proceeding pro se and in forma pauperis, filed this action pursuant to 28 U.S.C. § 1983 alleging violations of his Fourth, Fifth, and Fifteenth Amendment rights as a result of his arrest on charges that were later dismissed. (ECF No. 1 at 7–8.) Plaintiff seeks compensatory damages of one million dollars for libel, slander, and pain and suffering. (*Id.* at 9.) Plaintiff also seeks punitive damages of one million dollars for embarrassment, humiliation, false imprisonment, and impairment of reputation. (*Id.*)

On October 30, 2018, the Magistrate Judge entered her Report. (ECF No. 13.) The Magistrate Judge recommends summarily dismissing Plaintiff's false arrest claim because, "Plaintiff's [C]omplaint provides insufficient facts to challenge the validity of the warrant [Defendant] Branham obtained for Plaintiff's arrest. Plaintiff has not set forth any evidence showing that any statement in the arrest warrant was deliberately false or made with reckless disregard for the truth." (*Id.* at 4.) The Magistrate Judge also noted that on October 4, 2018, she

provided Plaintiff an opportunity to correct the defects in his [C]omplaint and warned Plaintiff that if he failed to timely file an amended [C]omplaint or failed to cure the identified deficiencies, the [Magistrate Judge] would recommend to the district court that the action be dismissed without leave for further amendment. Plaintiff did not file an amended [C]omplaint within the time provided.

(*Id.* at 5.) Thus, in addition to the defects in Plaintiff's Complaint, the Magistrate Judge also recommended dismissal of Plaintiff's Complaint with prejudice pursuant to Federal Rule of Civil Procedure 41(b) for failure to comply with a court order. (*Id.*)

The Magistrate Judge's Report informed the parties of their right to file written, specific objections to the Report within fourteen (14) days of the date of service of the Report. (*Id.* at 5–6.) The Report was mailed to Plaintiff on October 30, 2018. (ECF No. 14.)

II. STANDARD OF REVIEW

The Magistrate Judge's Report and Recommendation is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District Court of South Carolina. The Magistrate Judge only makes a recommendation to this court; the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). This court is charged with engaging in a *de novo* review of those portions of the Report and Recommendation to which the parties have made specific objections; the court may accept, reject or modify, in whole or in

part, the Magistrate Judge's recommendation or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

III. DISCUSSION

On October 30, 2018, as part of the Report, the Magistrate Judge notified the parties of their right to file specific objections by November 13, 2018. (ECF No. 8 at 6–7.) None of the parties filed objections to the Report by this date. In the absence of objections to the Magistrate Judge's Report, this court is not required to provide an explanation for adopting the recommendation without modification. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Absent objections, the court must only ensure that there is no clear error on the face of the record in order to accept the recommendation. *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note). If a party fails to file a specific, written objection to the Report, the party forfeits the right to appeal a district court's decision concerning the Report. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984). Accordingly, since none of the parties filed any objections to the Report, and the court observes no clear error on the face of the record, the court accepts the Magistrate Judge's Report. *See Diamond*, 416 F.3d at 315; *Camby*, 718 F.2d at 199.

IV. CONCLUSION

After a thorough and careful review of the record, the court finds the Magistrate Judge's Report provides an accurate summary of the facts and law in this case. The court **ACCEPTS** the Magistrate Judge's Report and Recommendation (ECF No. 13) and incorporates it herein by

reference. For the reasons set out in the Report, the court **DISMISSES** Plaintiff Christopher Clevon Feaster's Complaint (ECF No. 1) with prejudice.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "J. Michelle Childs". The signature is written in a cursive, flowing style.

United States District Judge

December 6, 2018
Columbia, South Carolina